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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GERARDO HERNANDEZ,  
Plaintiff,  
v.  
BERNARD ANDRE CARTAL, et al.,  
Defendants.

Case No.19-cv-01259-VKD

**ORDER TO SHOW CAUSE RE  
SETTLEMENT**

Plaintiff has notified the Court that he has settled this action with the defendants, and he requests that the parties be given until July 19, 2019 to “complete the settlement” and file a dismissal. Dkt. No. 11. In view of plaintiff’s representations, the Court vacates all previously scheduled deadlines and appearances.

On or before **July 19, 2019**, the parties shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendant has not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendants have filed an answer, the parties must file a stipulated dismissal pursuant to Rule 41(a)(1)(ii).

If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, Fifth Floor, 280 South First Street, California on **July 23, 2019, 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **July 22, 2019** advising as to (1) the status of their activities in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and file the dismissal. If a dismissal is filed as

1 ordered, the Order to Show Cause hearing will be automatically vacated and the parties need not  
2 file a statement in response to this Order.

3 **IT IS SO ORDERED.**

4 Dated: June 20, 2019

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6 VIRGINIA K. DEMARCHI  
7 United States Magistrate Judge

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